

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAVID CHMIEL,	:	
Petitioner	:	No. 1:06-cv-02098
	:	(Judge Kane)
v.	:	
	:	THIS IS A CAPITAL CASE
JEFFREY BEARD, Commissioner, <i>et al.</i> ,	:	
Respondents	:	

RESPONDENTS' NOTICE OF PRODUCTION OF DOCUMENTS
FOR *IN CAMERA* REVIEW

AND NOW, come Respondents, by their attorneys, who file this Notice of Production of Documents for *In Camera* Review, and represent as follows.

On this date, Respondents have produced the sixteen documents listed in Exhibit C of the brief in support of Petitioner David Chmiel's Second Motion to Compel Discovery to the Court for *in camera* review, pursuant to the Court's November 29, 2017. The original documents were delivered to the Court. A list of documents produced is attached to this notice.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

JENNIFER C. SELBER
Executive Deputy Attorney General
Director, Criminal Law Division

JAMES P. BARKER
Chief Deputy Attorney General
Appeals and Legal Services Section

By: /s/Philip M. McCarthy
PHILIP M. McCARTHY
Deputy Attorney General
Pa. Bar No. 318557
pmccarthy@attorneygeneral.gov

Office of Attorney General
Criminal Law Division
Appeals and Legal Services Section
16th Floor, Strawberry Square
Harrisburg, PA 17120
(717) 787-6348

Date: December 12, 2017

LIST OF DOCUMENTS PRODUCED FOR *IN CAMERA* REVIEW

<u>Document Number</u>	<u>Date</u>	<u>Description</u>
1	9/21/1983	PSP incident report, page 118 with attorney's notes, comments, and underlining (1 page)
2	9/29/1983	PSP incident report, page 82 with attorney's notes, comments, and underlining (1 page)
3	9/30/1983	PSP incident report, pages 51-52 with attorney's notes, comments, and underlining (2 pages)
4	10/4/1983	PSP incident report, page 75-77 with attorney's notes, comments, and underlining (3 pages)
5	10/4/1983	PSP incident report, pages 94-95 with attorney's notes, comments, and underlining (2 pages)
6	10/5/1983	PSP incident report, page 79-81 with attorney's notes, comments, and underlining (3 pages)
7	11/4/1983	PSP incident report, page 213 with attached DA memorandum with attorney's notes, comments, and underlining (4 pages)
8	6/29/1984	Sentencing notes of testimony: Commonwealth v. Martin Chmiel, 84-CR-195, with attorney's markings and underlining (7 pages)
9	9/30/1984	Handwritten attorney's notes (1 page) (2 copies)
10	10/24/1984	Trial notes of testimony: Richard Pica testimony with attorney's notes, comments, and underlining (21 pages)
11	6/24/2002	Handwritten attorney's notes regarding a Commonwealth witness (1 page)
12		Folder containing handwritten attorney's notes and a witness list with attorney's notes and comments (120 pages) These notes relate to witness and trial preparation.
13		Handwritten attorney's notes discussing Commonwealth witnesses (169 pages)
14		Handwritten attorney's notes discussing DA's prosecution (3 pages)
15		Handwritten attorney's notes discussing questions to ask witness (4 pages)

16		Partially handwritten witness list with attorney's notes ¹ (4 pages)
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¹ Please note that this list was mistakenly identified in the privilege log as handwritten. Most of the list is typed. Part of the list is handwritten. There are additional handwritten notes on the list.

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving one copy of the foregoing *Respondents' Notice of Production of Documents for In Camera Review* upon the person and in the manner indicated below:

Via email through the Electronic Case Filing (ECF) System:

**James Moreno, Esquire
Tracy Ulstad, Esquire
Federal Community Defender for the
Eastern District of Pennsylvania
Capital Habeas Corpus Unit
601 Walnut Street, Suite 545 W
Philadelphia, PA 19106
(215) 928-0520
(Counsel for Petitioner)**

By: /s/Philip M. McCarthy
Deputy Attorney General
Pa. Bar No. 318557
pmccarthy@attorneygeneral.gov

Office of Attorney General
Criminal Law Division
Appeals and Legal Services Section
16th Floor-Strawberry Square
Harrisburg, PA 17120
(717) 787-6348
(Fax) (717) 783-5431

Date: December 12, 2017